

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-14-90036

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In re Complaint of John Doe<sup>1</sup>

ORDER

This is a judicial complaint against a United States Circuit Judge, who was the author of two opinions that affirmed the convictions entered against complainant in two separate trials.<sup>2</sup>

The complaint alleges, without any evidentiary support whatsoever, that “I feel there may be some prior knowledge of me or bias or conflict that may have affected [the judge].”

Further, the complaint alleges that the judge erred in stating that complainant had been restored to competency in 2005, and suggests that this error may have occurred because “[the judge] may have known me, or my case.”

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<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

<sup>2</sup>I have concluded that, given the complaint’s totally unsubstantiated allegations of judicial misconduct, my participation as a member of the second of the two panels that affirmed complainant’s convictions does not disqualify me from ruling in this matter.

The complaint against the judge concludes by stating that “If you can review my entire complaint, you will see [that] I feel that [the judge] is bias and/or conflict [sic] toward me.”

The complaint also alleges that this court ignored complainant’s numerous complaints about errors in the trial transcript and record.

The allegations that relate to the judge’s ruling regarding complainant’s competency are directly related to the merits of the judge’s rulings and are thus not the proper subject of a judicial complaint. See 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rule 11(c)(1)(B); E.C. Rule 4(c)(2).

The allegations regarding the judge’s “bias and/or conflict” are frivolous and lack sufficient evidence to raise an inference that misconduct has occurred. 28 U.S.C. § 352(b)(1)(A)(iii); see also J.C.U.S. Rule 11(c)(1)(C)(D); E.C. Rule 4(c)(3).

Finally, the allegations regarding this court’s failure to respond to complainant’s statements regarding errors in the trial transcript and the record are likewise not the proper subject of a judicial complaint.

The complaint is dismissed.

January 5, 2015



Roger L. Wollman, Circuit Judge  
United States Court of Appeals  
for the Eighth Circuit